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Attorney for Defendant
MARY SHANNON O'NEILL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARY SHANNON O'NEILL,

Defendant.

Case Number: 3:10-cr-0890 BZ

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE JUNE 29,
2011, STATUS CONFERENCE AND
EXCLUDE TIME**

IT IS HEREBY STIPULATED by and between Assistant United States Attorney Acadia Leigh Senese, counsel for the plaintiff, and Douglas Horngrad, counsel for defendant, in the above captioned case, that the status conference now scheduled for June 29, 2011, at 9:30 a.m., be reset to August 24, 2011, at 9:30 a.m., or as soon thereafter as is convenient for the Court.

This continuance is sought on the following grounds: Counsel for Ms. O'Neill is investigating a potential motion to suppress. The officer's testimony at Ms. O'Neill's DMV hearing will resolve the question of whether a motion to suppress in the instant case is viable. Therefore, conclusion of the DMV testimony would likely be dispositive of whether a motion to suppress would be viable in this case. The DMV hearing has been postponed more than once due to the officer's unavailability, and it has been reset to July 25, 2011. Counsel agree that Ms. O'Neill's counsel should wait until the DMV hearing is complete before deciding

whether a motion to suppress should be filed in the instant case. Additionally, Ms. O'Neill will be out of town from July 24, 2011, until August 23, 2011. Therefore, a continuance to Wednesday, August 24, 2011, at 9:30 a.m. is respectfully requested.

IT IS FURTHER STIPULATED that time for trial under the Speedy Trial Act be excluded from June 29, 2011, through August 24, 2011, pursuant to 18 U.S.C. § 3161 (h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

Dated: 6/23/11

/s/
ACADIA LEIGH SENESE
Counsel for Plaintiff

Dated: 6/23/11

/s/
DOUGLAS HORNGRAD
Counsel for Defendant
MARY SHANNON O'NEILL

~~—[PROPOSED]~~ ORDER

IT IS SO ORDERED

Status Conference moved to August 24, 2011 at 1:30 p.m. in Courtroom D.

Dated: June 24, 2011


HON. BERNARD ZIMMERMAN
United States District Court Magistrate Judge